

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>BARRY JAY SULLIVAN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>CIVIL ACTION 11-0715-WS-N</b>
<b>v.</b>	)	
	)	<b>CRIMINAL NO. 08-0256-WS</b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

The Court granted the petitioner until April 21, 2014 in which to file objections the Report and Recommendation (“R&R”) of the Magistrate Judge. (Doc. 213). The petitioner timely delivered his objections to prison authorities on that date. (Doc. 221 at 5). However, because those authorities did not place the objections in the mail until April 28, 2014, (*id.*), the objections were not received by the Court until May 1, 2014, (*id.* at 1), shortly after the Court had adopted the R&R and entered judgment against the petitioner on the reasonable understanding that he had filed no objections.

For the reasons set forth above, the Court’s order and judgment of April 29, 2014, (Docs. 218, 219), are **vacated**. After due and proper consideration of all portions of the file deemed relevant to the issues raised, and after de novo review of the petitioner’s objections, the R&R made under 28 U.S.C. § 636(b)(3) and dated February 26, 2014, is **adopted** as the opinion of the Court.

DONE and ORDERED this 12<sup>th</sup> day of May, 2014.

s/ WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE